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Bureau of Special Education FY'14 Memo #15

Date: October 3, 2013

To: Superintendents
 Special Education Directors

From: Office of the Commissioner

Division of Instruction
 Bureau of Special Education

Re: Educational Environments Definitions and Least Restrictive Environment (LRE) requirements for children with disabilities aged 3-5 ~ FY'13 Memo #9 Update

In response to numerous questions from the field, the NH Department of Education (NHDOE), Bureau of Special Education is updating FY'13 Memo #9 regarding the Office of Special Education Programs (OSEP) Educational Environments Definitions and Least Restrictive Environment (LRE) requirements for children with disabilities aged 3-5. The letter from OSEP (attached) dated February 29, 2012 "reiterates that the least restrictive environment (LRE) requirements in section 612(a) (5) of the Individuals with Disabilities Education Act (IDEA) apply to the placement of preschool children with disabilities." The letter confirms that, for all children with disabilities, including children aged 3-5, "...separate classes, separate schooling, or other removal of children with disabilities from the regular educational environment may occur only when the nature or severity of the disability of a child is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." The OSEP letter provides a wealth of information about preschool special education and defines regular early childhood programs.

The NHDOE, Bureau of Special Education is providing the following guidance to support districts including: a summary of definitions of educational environments for children aged 3-5, and updated information on program approval, program placement and monitoring.

Continuum of Alternative Learning Environments for Preschool

OSEP (federal reporting category)	NHSEIS	NH Rules for the Education of Children with Disabilities
Regular Early Childhood Setting	3-5 Early Childhood Program	Early Childhood Program
Special Education Programs	3-5 Special Education Classroom	Special Education Program
	3-5 Separate School	Separate School
	3-5 Residential Facility	Residential Facility
Other	3-5 Home-based: Child's Home	Home
	3-5 Service Provider Location	Service Provider Location

Definitions of Educational Environments for children with IEPs ages 3-5~

Early Childhood Program

- At least 50% children without IEPs
- May include but not limited to:
 - Head Start
 - Public Kindergarten
 - Preschool Classes offered to Pre-K population by the public school system
 - Private Kindergartens or preschools
 - Family Child care
 - Child care center
- Does not require special education program approval

Activities that are not considered to be an Early Childhood program include but are not limited to: library story hour, babysitting, horseback riding or sporting events.

Home

- Principal residence of the child's family or caregivers (including babysitter)
- Does not require special education program approval

Service Provider Location

- Special education and related services provided by a service provider
 - Office located in a school building
 - Private clinicians office
 - Hospital facilities in an outpatient basis
- Does not require special education program approval

Special Education Classrooms

- Less than 50% children without IEPs
- May include classrooms in regular school buildings, trailers or portables outside regular school buildings
- Requires special education program approval and must meet the requirements in the NH Rules for the Education of Children with Disabilities

Separate School

- Public or private day school
- Requires special education program approval

Residential Facility

- Public or private residential school or medical facility on an in-patient basis
- Requires special education program approval

For more information on **Special Education Program approval** for programs that serve children with IEPs ages 3-5, contact Debbie Krajcik (271-3301) or Ruth Littlefield (271-2178) at the NH Department of Education, Bureau of Special Education.

The NHDOE, Bureau of Special Education funds the **Supporting Successful Early Childhood Transitions (SSECT)** project of the Parent Information Center. SSECT provides technical assistance and support to districts regarding transitions from Family Centered Early Supports and Services, Child Find and Preschool LRE. These supports focus on both the veracity of data (timeliness and accuracy) as well as promoting improved outcomes for preschool children with disabilities: <http://www.nhssect.org/>.

The Supporting Successful Early Childhood Transitions (SSECT) project and the NHDOE, Bureau of Special Education, have developed an online training module to assist districts with understanding preschool LRE and the related NHSEIS data entry requirements. We strongly encourage preschool special education coordinators, educators, data entry personnel and others to participate in the online training. Upon completion participants receive a Staff Development Certificate. We would also urge you to complete the evaluation of the training so we can improve it based on your feedback.

Contact Michelle Lewis at 224-7005 to request support from SSECT. The Preschool Technical Assistance Network (PTAN) is also designed to facilitate work specific to this priority area <http://ptan.seresc.net/>. Contact Ruth Littlefield at the NHDOE Bureau of Special Education at ruth.littlefield@doe.nh.gov or 271-2178 with additional questions or concerns.

RL:BJR

Summary Information for Settings for Preschool Special Education: Updated October 2013

Setting (NHSEIS Dropdown)	Explanation	Examples (Not an exhaustive list)	Special Education &/or Related Services are provided in this setting	Setting is in an NHDOE Special Education program (requires approval)	Program Placement must be entered into NHSEIS (based on setting)	NHDOE Monitoring of Special Education
Regular Early Childhood Program (3-5 Early Childhood Pgn)	At least 50% of the children in the class must be children who are not eligible for special education. Districts are required to report on time the child is in a regular early childhood program <i>regardless of whether the child receives special education and related services in this setting.</i> This does not include dance, library story hour, horseback riding or other things that are activity based.	<ul style="list-style-type: none"> • Public preschools & kindergartens • Private preschools & kindergartens • Head Start • Child Care centers • Family Child Care 	✓		✓ This is not an approved special education program.	✓
Home (3-5 year Old Homebased /Child's Home)	This setting is selected <i>if the child receives special education and related services</i> in the principal residence of the child's family or caregivers. The term caregiver includes babysitters.	The child's: <ul style="list-style-type: none"> • Residence • Grandparent's house • Babysitter's house 	✓			✓
Service Provider Location (3-5 year old Service Provider Location)	This category is selected when a child receives special education and related services in a service provider location, such as a speech therapist's office.	<ul style="list-style-type: none"> • Therapist or clinician's office in a public school • Private therapist or clinician's office • Hospital facilities on outpatient basis 	✓			✓

Setting (NHSEIS Dropdown)	Explanation	Examples (Not an exhaustive list)	Special Education &/or Related Services are provided in this setting	Setting is in an NHDOE Special Education program (requires approval)	Program Placement must be entered into NHSEIS (based on setting)	NHDOE Monitoring of Special Education
Special Education Programs (3-5 Year Old Special Education Classroom)	These are public school programs that have less than 50% children without disabilities.	Special education classrooms in: <ul style="list-style-type: none"> • Regular school buildings • Trailers or portables outside of regular school buildings • Child care facilities • Hospital facilities on an outpatient basis • Other community-based settings 	✓	✓	✓	✓
(3-5 Separate School)	These are approved private special education day programs.	http://www.education.nh.gov/instruction/special_ed/documents/private_approved_schools.pdf	✓	✓	✓	✓
(3-5 Residential Facility)	These are approved private residential special education programs.		✓	✓	✓	✓